



General Assembly

February Session, 2004

***Raised Bill No. 5246***

LCO No. 1207

\*01207\_\_\_\_\_BA\_\*

Referred to Committee on Banks

Introduced by:  
(BA )

***AN ACT CONCERNING THE NOTIFICATION OF LIENHOLDERS OF  
MOTOR VEHICLES.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 14-150 of the general statutes, as amended by  
2 section 4 of public act 03-264, is repealed and the following is  
3 substituted in lieu thereof (*Effective from passage*):

4 (a) Any person who abandons any motor vehicle within the limits of  
5 any highway or upon property other than such person's own without  
6 the consent of the owner thereof for a period longer than twenty-four  
7 hours shall have committed an infraction and shall be fined not less  
8 than eighty-five dollars. The last owner of record of a motor vehicle  
9 found abandoned, as shown by the files of the Department of Motor  
10 Vehicles, shall be deemed prima facie to have been the owner of such  
11 motor vehicle at the time it was abandoned and the person who  
12 abandoned the same or caused or procured its abandonment.

13 (b) Any inspector of the Department of Motor Vehicles, any officer  
14 attached to an organized police department, any enforcement officer of  
15 a parking authority authorized under an ordinance adopted pursuant

16 to section 7-204a to enforce parking regulations in the municipality in  
17 which it is located or any state police officer upon discovery of any  
18 motor vehicle, whether situated within or without any highway of this  
19 state, which is a menace to traffic or public health or safety, shall take  
20 such motor vehicle into such inspector's or officer's custody and cause  
21 the same to be taken to and stored in a suitable place.

22 (c) Any inspector of the Department of Motor Vehicles, any officer  
23 attached to an organized police department, any enforcement officer of  
24 a parking authority authorized under an ordinance adopted pursuant  
25 to section 7-204a to enforce parking regulations in the municipality in  
26 which it is located or any state police officer, upon discovery of any  
27 motor vehicle apparently abandoned or a motor vehicle without  
28 proper registration, whether situated within or without any highway  
29 of this state, shall affix to such motor vehicle a notification sticker in a  
30 manner so as to be readily visible. This notification sticker shall contain  
31 the following information: (1) The date and time the notification sticker  
32 was affixed to the motor vehicle; (2) a statement that pursuant to this  
33 section, if the motor vehicle is not removed within twenty-four hours  
34 of the time the sticker was affixed, it shall be taken into custody and  
35 stored at the owner's expense; (3) the location and telephone number  
36 where additional information may be obtained; and (4) the identity of  
37 the affixing officer. If the motor vehicle is not removed within such  
38 twenty-four-hour period, the affixing department or parking authority  
39 shall take such motor vehicle into its custody and cause the same to be  
40 stored in a suitable place, except that such department or parking  
41 authority shall make a reasonable attempt to notify the owner of any  
42 such motor vehicle which is determined to be stolen prior to taking  
43 such vehicle into its custody and shall allow such owner to make  
44 arrangements for removal of such vehicle.

45 (d) If the motor vehicle has no registration marker plates or invalid  
46 registration marker plates, and if such inspector or officer makes a  
47 determination in good faith that (1) the motor vehicle is apparently  
48 abandoned, (2) the market value of such motor vehicle in its current

49 condition is five hundred dollars or less, and (3) the motor vehicle is so  
50 vandalized, damaged, or in disrepair as to be unusable as a motor  
51 vehicle, title to such motor vehicle shall, upon taking custody of such  
52 motor vehicle, immediately vest in the municipality in which the  
53 motor vehicle was discovered. Within forty-eight hours of the time  
54 that such motor vehicle is taken into custody, the affixing department  
55 or parking authority shall notify the Commissioner of Motor Vehicles,  
56 in writing, of the vehicle identification number and a description of the  
57 motor vehicle. Upon sale or other disposition of the motor vehicle, the  
58 affixing department or parking authority shall give written notice by  
59 certified mail to the person who was the owner of such motor vehicle  
60 at the time of abandonment, if known, which notice shall state that the  
61 motor vehicle has been sold or otherwise disposed of. The proceeds of  
62 the sale or disposition, or the fair market value of the motor vehicle in  
63 its current condition, whichever is greater, less the towing and sale or  
64 disposal expenses and the amount of any fines due, shall be paid to  
65 such person or such person's representatives, if claimed by such  
66 person or them within one year from the date of sale. If such balance is  
67 not claimed within such period, it shall escheat to the municipality. If  
68 the expenses incurred by the municipality for towing and the sale or  
69 disposition of such motor vehicle and any such fines exceed the  
70 proceeds of such sale or disposition, such person shall be liable to such  
71 municipality for such excess amount.

72 (e) Within forty-eight hours of the time that a motor vehicle is taken  
73 into custody and stored pursuant to subsection (b) or (c) of this section,  
74 the affixing department or parking authority shall give written notice  
75 by certified mail to the owner and any lienholders of such motor  
76 vehicle, if [known] the same appears on the records of the Department  
77 of Motor Vehicles, which notice shall state (1) that the motor vehicle  
78 has been taken into custody and stored, (2) the location of storage of  
79 the motor vehicle, (3) that, unless title has already vested in the  
80 municipality pursuant to subsection (d), such motor vehicle may be  
81 sold after [fifteen] thirty days if the market value of such motor vehicle  
82 does not exceed one thousand five hundred dollars or after forty-five

83 days if the value of such motor vehicle exceeds one thousand five  
84 hundred dollars, and (4) that the owner has a right to contest the  
85 validity of such taking by application, on a form prescribed by the  
86 Commissioner of Motor Vehicles, to the hearing officer named in such  
87 notice within ten days from the date of such notice. Such application  
88 forms shall be made readily available to the public at all offices of the  
89 Department of Motor Vehicles, parking authorities authorized under  
90 an ordinance adopted pursuant to section 7-204a to enforce parking  
91 regulations and state and local police departments.

92 (f) (1) The chief executive officer of each town shall appoint a  
93 suitable person, who shall not be a member of any state or local police  
94 department, to be a hearing officer to hear applications to determine  
95 whether or not the towing within such municipality of such motor  
96 vehicle was authorized under the provisions of this section. Two or  
97 more towns may join in appointing such hearing officer; provided any  
98 such hearing shall be held at a location which is as near to the town  
99 within which such motor vehicle was towed as is reasonable and  
100 practicable. The commissioner shall establish by regulation the  
101 qualifications necessary for hearing officers and procedures for the  
102 holding of such hearings. If it is determined at such hearing that the  
103 vehicle was not a menace to traffic, abandoned or unregistered, as the  
104 case may be, the owner of such motor vehicle shall not be liable for any  
105 expenses incurred as a result of the taking and storage of such motor  
106 vehicle, the lien provisions of this section shall not apply to such  
107 owner, and the department which took and stored such motor vehicle  
108 shall be liable for such expenses. If the owner, prior to such  
109 determination, pays such expenses and the storage charges of such  
110 motor vehicle, and it is determined at such hearing that the motor  
111 vehicle was not a menace to traffic, abandoned or unregistered, as the  
112 case may be, the department or parking authority which took such  
113 motor vehicle shall be liable to such owner for the amount paid by  
114 such owner. Any person aggrieved by the decision of such hearing  
115 officer may, within fifteen days of the notice of such decision, appeal to  
116 the superior court for the judicial district wherein such hearing was

117 held.

118 (2) The chief executive officer of each municipality shall designate a  
119 suitable person who shall be responsible for the collection of data  
120 concerning abandoned motor vehicles within such municipality and  
121 the preparation and submission of periodic reports to the  
122 Commissioner of Motor Vehicles which shall contain such information  
123 as the commissioner may require.

124 (g) The owner or keeper of any garage or other place where such  
125 motor vehicle is stored shall have a lien upon the same for such  
126 owner's or keeper's storage charges. Unless title has already vested in  
127 the municipality pursuant to subsection (d) of this section, within  
128 forty-eight hours of the time that a motor vehicle is stored by such  
129 garage or other place pursuant to subsection (b) or (c) of this section,  
130 the owner or keeper of such garage or other place where such motor  
131 vehicle is stored shall notify the Commissioner of Motor Vehicles, in  
132 writing, of the vehicle identification number and a description of the  
133 motor vehicle. Such notice shall be placed on file by the Commissioner  
134 of Motor Vehicles and be open to public inspection. If the motor  
135 vehicle is subject to a security interest, the commissioner shall, within  
136 ten days of receiving such notice, send such owner or keeper the name  
137 and address of any lienholder as recorded on the certificate of title. [if]  
138 If the current market value of such motor vehicle as determined in  
139 good faith by such owner or keeper does not exceed one thousand five  
140 hundred dollars and such motor vehicle has been stored for a period of  
141 not less than fifteen days, such owner or keeper may, unless an  
142 application filed by the owner pursuant to subsection [(d)] (e) of this  
143 section is pending and the owner of such motor vehicle has notified  
144 such owner or keeper that such application for hearing has been filed,  
145 sell the same for storage and towing charges owed thereon, provided a  
146 notice of intent to sell shall be sent to the commissioner, [and] the  
147 owner and any lienholder of record of such motor vehicle, if known,  
148 five days before the sale of such vehicle. If the current market value of  
149 such motor vehicle as determined in good faith by such owner or

150 keeper exceeds one thousand five hundred dollars and if such motor  
151 vehicle has been so stored for a period of forty-five days, such owner  
152 or keeper shall, unless an application filed by the owner pursuant to  
153 subsection [(d)] (e) of this section is pending and the owner of such  
154 motor vehicle has notified such owner or keeper that such application  
155 for hearing has been filed, sell the same at public auction for cash, at  
156 such owner's or keeper's place of business, and apply the avails of such  
157 sale toward the payment of such owner's or keeper's charges and the  
158 payment of any debt or obligation incurred by the officer who placed  
159 the same in storage, provided if the last place of abode of the owner of  
160 such motor vehicle is known to or may be ascertained by such garage  
161 owner or keeper by the exercise of reasonable diligence, notice of the  
162 time and place of sale shall be given to such owner and any lienholder  
163 of record by mailing such notice to such owner in a registered or  
164 certified letter, postage paid, at such last usual place of abode, at least  
165 five days before the time of sale. At any public auction held pursuant  
166 to this subsection, such garage owner or keeper may set a minimum  
167 bid equal to the amount of such owner's or keeper's charges and  
168 obligations with respect to the tow and storage of the motor vehicle. If  
169 no such bid is made, such owner or keeper may sell or dispose of such  
170 vehicle.

171 (h) The garage owner or keeper shall report the sales price, storing,  
172 towing and repair charges, if any; buyer's name and address;  
173 identification of the vehicle and such other information as may be  
174 required in regulations which shall be adopted by the commissioner in  
175 accordance with the provisions of chapter 54, to the commissioner  
176 within fifteen days after the sale of the motor vehicle. The proceeds of  
177 such sale, after deducting the amount due such garage owner or  
178 keeper and all expenses connected with such sale, including the  
179 expenses of the officer who placed such motor vehicle in storage, shall  
180 be paid to the owner of such motor vehicle or such owner's legal  
181 representatives, if claimed by such owner or them at any time within  
182 one year from the date of such sale. If such balance is not claimed  
183 within said period, it shall escheat to the state.

184 (i) If the owner of such motor vehicle placed in storage in  
 185 accordance with the provisions of this section does not claim such  
 186 motor vehicle within thirty days, the owner of such garage or other  
 187 place of storage shall, within forty days of the date such motor vehicle  
 188 was placed in storage with such owner, send a written notice to the  
 189 commissioner, stating the make, engine number and chassis number of  
 190 such motor vehicle, the date such motor vehicle was left with such  
 191 owner for storage and by whom and the registration number thereof if  
 192 any number plates are on such motor vehicle, which notice shall be  
 193 placed on file by the commissioner and shall be subject to public  
 194 inspection. The fee for filing such notice shall be five dollars. Any sale  
 195 under the provisions of this section shall be void, unless the notice  
 196 required by this section has been given to the commissioner.

197 (j) The Commissioner of Motor Vehicles shall adopt regulations, in  
 198 accordance with the provisions of chapter 54, (1) specifying the  
 199 circumstances under which title to any motor vehicle abandoned  
 200 within the limits of any highway may be transferred to any person,  
 201 firm or corporation towing such vehicle, and (2) establishing the  
 202 procedure whereby such person, firm or corporation may obtain title  
 203 to such motor vehicle.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

**Statement of Purpose:**

To require that affixing departments obtain lienholder information at the same time owner information is obtained, if the same appears on the records of the Department of Motor Vehicles. Affixing departments shall then make timely notification to any lienholders of a motor vehicle, subsequent to taking the abandoned or unregistered motor vehicle into custody, informing the lienholders that the motor vehicle has been towed and stored, where the vehicle is being stored, and that the motor vehicle may be sold; to extend the length of time after which an affixing department may sell a motor vehicle valued at less than one thousand five hundred dollars from fifteen days to thirty days; to

require that the Commissioner of Motor Vehicles provide lienholder information to an owner or keeper of a garage in a timely manner after receiving notice that a motor vehicle is subject to a mechanics' lien for the owner's or keeper's storage charges. Garage owners and keepers shall then make timely notification to any lienholders of motor vehicles prior to any proposed sale to satisfy a mechanics' lien for storage charges.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*